

REMARKS

A response to the Office Action of September 26, 2008 was filed on March 26, 2009. A Final Rejection was issued on May 20, 2009. Applicant's attorney corresponded with the Examiner (see Interview Summary dated June 22, 2009) and argued that the Final Rejection was not properly issued. The Examiner issued an Interview Summary on June 22, 2009 that stated that the the Final Rejection of May 20, 2009 should be treated as holding that the March 26, 2009 amendment was non-responsive.

Applicant proceeds by filing this Substitute Amendment for the amendment filed March 26, 2009.

Pages 10-13 and 15 of the Specification have been amended to correct the informalities noted by the Examiner. No new matter has been added.

Claims 1-12 were pending. Claim 2 has been cancelled by the present amendment. Claims 3-12 have been withdrawn. A new claim 13 has been added, thus leaving claims 1 and 13 for further consideration.

Claims 1 and 2 were rejected as being anticipated by Knoerzer, et al., U.S. publication 2003/0009989. Claim 1 has been amended to incorporate the subject matter of claim 2, which has been cancelled. Claims 1 and 2 are directed to the embodiment of the invention disclosed in Fig. 7 and which is described at page 19 of the Specification. Amended claim 1 is a more specific description of the invention.

Added to amended claim 1 is the base 114 from which the rod 116 extends to make contact with the wrapping paper and on which the roller is mounted. The "operation section" 121 is the base 114, roller 117 and rod 116. This unit has a weight. The roller rides on a vertically inclined rail 118 as shown in Fig. 7. The weight of the "operation section" causes the rod to depress the tape. Also added to the preamble of amended claim 1 to provide a support for the tension application mechanism 113 is the attaching plate 101. Regarding the attaching plate 101, reference is made to lines 3-5, lines 11-12 and lines 23-24 of page 19 of the Specification. The attaching plate 101 is inclined. The tension application mechanism 113 is disposed on the attaching plate 101. The

rails 118, 118 are disposed in the inclined direction at which the attaching plate 101 is inclined. The attaching plate 101 is not a part of the tension application mechanism 113. The attaching plate 101 is a supporting member for the tension application mechanism 113.

Amended claim 1 clearly distinguishes over Knoerzer.

In the present invention the tension application mechanism 113 applies a predetermined tension to the wrapping paper 72 pulled-out from the inclined roll 71. The tension is from the weight of the "operation section" (base, roller, rod) of the tension application mechanism. In the present invention, the rail 118 is on the inclined attaching plate 101 on which the wrapping paper delivery mechanism 102 is disposed, and the tape roll 71 is attached to the wrapping paper delivery mechanism 102. The rail 118 is on the inclined attaching plate 101, so it also is inclined. The operation section 121 is movable along the rail 118, and the rod 116 depresses the wrapping paper 72 to apply predetermined tension to the wrapping paper 72. Since the wrapping paper 72 is inclined, equal tension can be applied to the wrapping paper.

In Knoerze (see Fig. 7 and [0005]), the wrapping paper 112 is on a horizontal roll. It is conveyed by a series of rollers 114 to wrap around a vertical guiding tube 118. Drive belts 120 acting against the tube pull the wrapping paper down to the heat sealing jaws.

It is clear that Knoerzer is not the same novel mechanism as set forth in amended claim 1. Knoerzer has no inclined rails on which an "operation section" rides by a roller so that a rod of the operation section extending from the operation section base engages and applies tension to the wrapping paper because of the weight of the operation section.

As seen, the invention as set forth in amended claim 1 is different from Knoerzer. Therefore, amended claim 1 is patentable and should be allowed.

A new claim 13 has been added which depends from claim 1 and recites the length of the rod. This feature also is not found in Knoerzer and claim 13 should be allowable.

Double Patenting Rejection. Amended claim 1 is believed to patentably distinguish over the claims of U.S. patent 7,228,988 as well as U.S. patent 7,395,944. It is submitted that amended

claim 1 and new claim 13 are patentably distinct from the claims of those patents. Therefore, the double patenting rejection should be withdrawn.

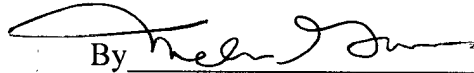
Since all of the outstanding rejections have been overcome, the application should be allowed.

Because a response to the Office Action of September 26, 2008 was timely filed on March 26, 2009 (with a Petition for extensions of time), and since the Final Rejection has been withdrawn by the Examiner, no fee is believed to be due for the submission of this Substitute Amendment. However, the Director is hereby authorized to credit any overpayment or charge any additional filing or application processing fees to Deposit Account No. 04-0100.

Prompt and favorable action is requested.

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Respectfully submitted,

By 

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